UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,953	12/13/2001	Eric Gouriou	10019981-1	7369

7590 09/27/2004	EXAMINER

HEWLETT-PACKARD COMPANY
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EXAMINER
NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/016,953	GOURIOU ET AL.
	Examiner	**Art Unit**
	Hoang-Vu A Nguyen-Ba	2122

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _13 December 2001_.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-27_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-27_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _13 December 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed December 13, 2001.

2.   The priority date considered for this application is December 13, 2001.

3.   Claims 1-27 have been considered.

Drawings

4.   This application has been filed with informal drawings, which are acceptable
for examination purposes only. Formal drawings will be required when the
application is allowed.

Specification

5.   The specification is objected to because of the following minor informalities:
a possible typographical error renders the meaning of the sentence at lines 30-32 of
page 2 unclear.

Claim Objection

6.   Claim 21 is objected to because of the following informalities: claim 21 recites
the limitation "said all stack" in line 3. This limitation should be changed to – said call
stack –.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly
pointing out and distinctly claiming the subject matter which the applicant regards as his
invention.

8.   Claims 8, 17, 21 and 26 are rejected under 35 U.S.C. § 112, second paragraph,
as being indefinite for failing to particularly point out and distinctly claim the subject
matter which applicant regards as the invention.

        a.   Lack of antecedent basis: claim 21 recites the limitation "said all stack"
in line 3. There is insufficient antecedent basis for this limitation in the claim. The
limitation "said all stack" should be changed to – said call stack – in order to have
proper antecedent basis.

        b.   Unclear and indefinite: claims 8, 17 and 26 recite the limitation "wherein
return pointer is not yet saved." It is unclear how a return pointer not yet saved, i.e.,
not having yet a storage location can be reset as it is claimed in base claims 1, 10 and
19 respectively.

        Appropriate correction is required.

Claim Rejections – 35 U.S.C. § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C.
§ 102 that form the basis for the rejections under this section made in this Office
action:

        A person shall be entitled to a patent unless –

        (e) the invention was described in
        (1) an application for patent, published under section 122(b), by another filed in the United
        States before the invention by the applicant for patent or
        (2) a patent granted on an application for patent by another filed in the United States before
        the invention by the applicant for patent,
        except that an international application filed under the treaty defined in section 351(a) shall
        have the effects for the purposes of this subsection of an application filed in the United
        States only if the international application designated the United States and was published
        under Article 21(2) of such treaty in the English language;

10.   Claims 1-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S.
Patent No. 6,470,493 to Smith et al. ("Smith").

Claims 1, 10 and 19

Smith discloses at least:

modifying selected text segment portions from said process (see at least Figures 2A,
2B and related discussion in the specification; note that prologue code in 2A has been
changed to instrumented prologue code in 2B);

*unmapping instrumented code space such that said instrumented code space is
inaccessible to said process* (see Figure 4, step 47 and related discussion in the
specification; as a result of the unwinding process, the instrumented code shown in
2B will no longer be accessible by the uninstrumented code); and

*cleaning a call stack of said process by unwinding said call stack and resetting a
storage location for a return pointer from said instrumented code space to uninstrumented code space*
(see at least Figure 1, item 17; Figure 3, item 35; and related discussion in the
specification).

Claims 2, 11 and 20

Rejections of base claims 1, 10 and 19 respectively are incorporated. Smith
further discloses *wherein said instrumented code space is comprised of shared memory or memory in
an address space of said process* (see at least Figure 1, item 15 – working memory – and
related discussion in the specification).

Claims 3, 12 and 21

Rejections of base claims 1, 10 and 19 respectively are incorporated. Smith
further discloses *wherein the step of resetting said storage location for said return pointer comprises:*

finding in said call stack said storage location of said return pointer (see at least
Figure 1, item 17 and related discussion in the specification); *and*

changing the value of said storage location of said return pointer from said instrumented code space to uninstrumented code space (see at least Figure 1, item 17, "Calling P. Address" and related discussion in the specification).

Claims 4, 13 and 22

Rejections of base claims 1, 10 and 19 respectively are incorporated. Smith further discloses *wherein said return pointer is disposed in a renamed register* (see at least Figure 1, item 17 and related discussion in the specification).

Claims 5, 14 and 23

Rejections of base claims 1, 10 and 19 respectively are incorporated. Smith further discloses *wherein said return pointer is disposed in a memory location on said call stack* (see at least Figure 1, item 17 and related discussion in the specification).

Claims 6, 15 and 24

Rejections of base claims 1, 10 and 19 respectively are incorporated. Smith further discloses *wherein said return pointer is disposed in a preserved register* (see at least Figure 1, item 17 and related discussion in the specification).

Claims 7, 16 and 25

Rejections of base claims 1, 10 and 19 respectively are incorporated. Smith further discloses *wherein said return pointer is disposed in an alternate branch register* (see at least Figure 2B, item 25 and related discussion in the specification).

Claims 8, 17 and 26

Rejections of base claims 1, 10 and 19 respectively are incorporated. Smith further discloses *wherein said return pointer is not yet saved* (see at least Figure 1, item 33 and related discussion in the specification).

Claims 9, 18 and 27

Rejections of base claims 1, 10 and 19 respectively are incorporated. Smith further discloses *wherein said return pointer is disposed in a memory location of an operating system of said process* (see at least Figure 1, item 33 and related discussion in the specification).

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday-Friday, 6:00 to 16:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

After October 25, 2004, the examiner can be reached at (571) 272-3701 and the examiner' supervisor at (571) 272-3695.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANTONY NGUYEN-BA
PRIMARY EXAMINER

Art Unit 2122

September 21, 2004